

REMARKS

Claims 16-17, 20-24 and 27-39 are pending in the application. By this Amendment, claims 15 and 36 are amended, claim 18 is canceled and claims 37-39 are added. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks is respectfully requested.

I. Formal Matters

A. Objection to the Specification

The Office Action objects to the specification because the language added to the paragraph at page 5, line 16, in the last Amendment allegedly added new matter to the application. This language discusses an aperture formed at the top of the refrigerator door. Applicants respectfully disagree that this language adds new matter to the application.

The originally filed application included Figures 1-6 and 8, which show a recess formed at a top of a refrigerator door. As is clear in these figures, the recess is formed between the rear side of the outer wall piece 11 and an upper surface of a plate 7. These Figures also show that the recess 40 extends across almost the entire width of the top of the door.

The language added to the specification states that the recess can be grasped by a user to open and close the door. It is extremely well known to those of ordinary skill in the art that an aperture placed on top of a refrigerator door would typically be used to open and close the door. The fact that an additional handle may also be located on the front of the door does nothing to change this fact. Applicants note that one of the prior art references cited by the Examiner to reject this application, US Patent Publication No. 2003/0038139 to Antos et al., clearly discloses that a recess on the top of a refrigerator door can be grasped by a user to easily open and close the door.

Because the originally filed drawings very clearly disclose the recess now identified with reference number 40, and because the majority of the language added to the specification merely describes what is shown in the drawings, it is respectfully that adding a description of this recess to the specification does not add new matter to the application.

Moreover, because one of ordinary skill in the art would know that such a recess is used to open and close a refrigerator door, as evidenced by the Antos prior art reference, it is respectfully submitted that stating that the recess can be grasped by a user to open and close the door also not constitute adding new matter to the application.

For all of the above reasons, it is respectfully submitted that the language added to the specification did not add any new matter to the application. Accordingly, withdrawal of the objection to the specification is respectfully requested.

B. Rejection Under §112, First Paragraph

Claims 15-18, 20-24, 27, 35 and 36 are rejected under 35 USC §112, first paragraph. The Office Action alleges that these claims recite features which were allegedly not disclosed in the originally filed application.

Independent claims 15 and 36 have been amended to remove the portion which the Examiner found objectionable. These features are now recited in new dependent claims 37 and 38. Because the feature found objectionable has been removed from independent claims 15 and 36, it is respectfully submitted that the rejection of claims 15-17, 20-24, 27, 35 and 36 under §112, first paragraph, should be withdrawn.

Applicants continue to believe that the features now recited in dependent claims 37 and 38 were fully disclosed in the originally filed application in an enabling manner. As explained above, the features recited in dependent claims 37 and 38 have always been shown in multiple drawings of the application. As

also explained above, one of ordinary skill in the art would readily understand that an aperture or recess located as described in the claims could be grasped by a user to open and close the door for refrigerator. Accordingly, it is respectfully submitted that claims 37 and 38 are also proper under §112, first paragraph.

C. Rejection Under §112, Second Paragraph

Claim 36 is rejected under 35 USC §112, second paragraph, as allegedly indefinite. By this Amendment, claim 36 has been amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

II. Allowable Subject Matter

The Office Action indicates that claim 18 contains allowable subject matter. The indication of allowable subject matter is acknowledged with appreciation. As explained in more detail below, the features of claim 18 have been moved in to independent claim 15, and claim 18 has been canceled.

III. Claims 28-33 Are Allowable over Bukulmez

The Office Action rejects claims 28-31 and 33 under 35 USC §102(e) over PCT Publication No. 02/065036 to Bukulmez et al. ("Bukulmez"). The Office Action also rejects claim 32 under 35 USC §103(a) over Bukulmez.

Independent claim 28 is directed to a refrigerator appliance. Claim 28 recites that the appliance includes a body and a door abutting the body in a closed position, the door having an upper transverse edge. Claim 28 recites a display element mounted at an upper front edge of the body, and a viewing window forming the upper transverse edge of the door. Claim 28 recites that the viewing window is oriented such that the display element is visible when the door is closed.

The Bukulmez reference fails to disclose or suggest a refrigerator where a display element is mounted at an upper front edge of the body of the refrigerating appliance. Instead, the Bukulmez reference discloses that the display element is mounted on a top of the body. Accordingly, it is respectfully submitted that claim 28 is allowable over Bukulmez. Claims 29-33 depend from claim 28 and are allowable for at least the same reasons, and for the additional features which they recite.

IV. Claim 34 Is Allowable Over Bukulmez and Licentia

The Office Action rejects claim 34 under 35 USC §103(a) over Bukulmez in view of German Patent Application No. 9218613 to Licentia. The rejection is respectfully traversed.

Claim 34 depends from claim 28. It is respectfully submitted that claim 34 is allowable over Bukulmez for all the reasons discussed above in connection with claim 28. Licentia fails to cure those deficiencies of Bukulmez. Accordingly, it is respectfully submitted that claim 34 is allowable over Bukulmez and Licentia. Withdrawal of the rejection is respectfully requested.

V. Claims 15-17, 20-24 and 35 Are Allowable Over Antos and Bukulmez

The Office Action rejects claims 15-17, 20-24 and 35 under 35 USC §103(a) over US Patent No. 6,827,410 to Antos et al. ("Antos"), in view of Bukulmez. As noted above, the features of allowable claim 18 have been added to claim 15. Accordingly, it is respectfully submitted that claim 15 is allowable. Claims 16, 17, 20-24 and 35 depend from claim 15 and are allowable for the same reasons. Withdrawal of the rejection is respectfully requested.

VI. Claim 27 Is Allowable Over Antos and Licentia

The Office Action rejects claim 27 under 35 USC §103(a) over Antos, in view of Licentia. Claim 27 depends from claim 15 and is allowable for all the

reasons explained above in connection with claim 15, and for the additional features which it recites. Accordingly, withdrawal of the rejection is respectfully requested.

VII. Claim 36 Is Allowable Over Antos, Bukulmez, Onaka and Carter

The Office Action rejects claim 36 under 35 USC §103(a) over Antos, in view of Bukulmez, and further in view of US Patent No. 6,101,819 to Onaka et al. ("Onaka"), and US Patent No. 7,031,144 to Carter et al. ("Carter"). The rejection is respectfully traversed.

Claim 36 has been amended to incorporate the features of allowable claim 18. Accordingly, it is respectfully submitted that claim 36 is likewise allowable. Withdrawal of the rejection of claim 36 is respectfully requested.

VIII. Conclusion

In view of the above, it is respectfully submitted that the application is in condition for allowance. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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